

# SENTENCING COMMISSION MINUTES

<b>Committee</b>	<b>Utah Sentencing Commission</b>
<b>Date</b>	Wednesday, October 6, 2010
<b>Time</b>	Noon – 2p.m.
<b>Location</b>	Utah State Capitol, Senate Bldg., Spruce Room
<b>Members Present</b>	Judge Kevin Allen, Patrick Anderson, David Brickey, Rep. Lorie Fowlke, Curt Garner, Ron Gordon, Judge Paul Maughan, Senator Ben McAdams, Benjamin McMurray, Mark Moffat, Judge Gregory Orme, Tom Patterson, Chief Ed Rhoades, Kathy Reimherr, Rep. Jennifer Seelig, Sy Snarr, Doyle Talbot, Carlene Walker, Craig Barlow for Kirk Torgensen, Sheriff James Winder
<b>Members Excused</b>	Paul Boyden, Marlene Gonzalez, Senator Jon Greiner, Dan Maldonado, Judge Ric Oddone,
<b>Staff &amp; Visitors</b>	Staff: Jo Lynn Kruse, Ben Peterson, Jacey Skinner Visitors: Brent Butcher, Geri Miller-Fox, Rick Schwemmer, Gary Syphus
<b>Agenda Item</b>	<b>Welcome and Approval of Minutes</b>
<b>Notes</b>	Carlene Walker called the meeting to order and welcomed everyone, including our newest members Judge Janice Frost (participating via phone today) and Judge Kevin Allen. Curt Garner made a <b>motion</b> to approve the August minutes. Judge Orme <b>seconded</b> the motion which <b>passed unanimously</b> .
<b>Agenda Item</b>	<b>Review of Board of Pardons and Prison Visit</b>
<b>Notes</b>	<p>Carlene expressed sincere thanks to Curt Garner and Tom Patterson for allowing members of the Sentencing Commission and others to observe Board of Pardons hearings and tour Draper Prison on Oct. 5.</p> <p>Carlene stated that the morning started with a hearing on an automobile homicide case, followed by an emotional murder case. The third hearing had many charges: Interfering with arrest-aggravated assault-retail theft-damage to jail and possession of a controlled substance. The last hearing was a murder-child abuse-sexual abuse of a child case. After the hearings, Tom Patterson escorted the group through the Wasatch Unit (sex offender treatment/housing/educational training), UCI (Utah Correctional Industries), Uinta (the maximum security building, death row and the execution chamber). The tour ended with Con-Quest, a Residential Therapeutic Community Substance Abuse Treatment program.</p>
<b>Agenda Item</b>	<b>Election to Serve Class A Misdemeanor Sentence at the Prison</b>
<b>Notes</b>	Tom Patterson presented a draft of proposed changes to Utah Code 76-3-208. Imprisonment – Custodial authorities. The draft would strike the language that allows the defendant to elect to serve time for Class A misdemeanor crimes in the Prison. Currently there are 8 inmates that have elected to serve and are serving their sentence in the Prison. That number fluctuates, but is never very high. Tom will research to find out what counties those inmates are from. After discussion of the changes, Tom decided to make some clarifications to the bill. Mark Moffat made the <b>motion</b> to support in concept and for the commission to review a final draft before the legislative session begins. Sy Snarr <b>seconded</b> the motion, which <b>passed unanimously</b> .
<b>Agenda Item</b>	<b>Statute of Limitations on Predicate Offenses to Murder</b>
<b>Notes</b>	This topic will be included in our next meeting.
<b>Agenda Item</b>	<b>Correction's Case Management System</b>
<b>Notes</b>	<p>Brent Butcher, Director of Adult Probation and Parole, discussed AP&amp;P's <i>Offender Case Action Plans</i> and <i>Incorporating Principles of EBP</i> (Evidence Based Practices) <i>into Offender Supervision</i>. Case Action Plans are used as a map for correctional staff and offenders to identify and address the criminogenic needs of high and moderate risk offenders and move them toward successful completion of supervision.</p> <p>The Big Six Risk Factors are: Criminal/Deviant Peer Association, Anti-social personality (To include</p>

	<p>substance abuse), History of rule breaking behavior, Low levels of educational/personal achievement and Dysfunctional family relations. Research indicates that if these criminogenic characteristics are effectively identified and addressed, the likelihood of future criminal activity can be substantially reduced. Offender action plans start that process.</p> <p>An action plan is designed specifically for each offender on the first visit to improve outcomes and quality of life by targeting risk factors. Action plans provide maximum opportunities for offenders to make lasting changes through accountability, treatment, education and positive reinforcement. AP&amp;P is just starting to utilize case plans. Research and planning is currently underway to track DOC programs and track/analyze results. AP&amp;P will let the data drive what they do.</p>
<b>Agenda Item</b>	<b>Discussion of Sentencing Commission Priorities</b>
<b>Notes</b>	The Commission discussed legislative and budgeting priorities and possible methods for relating these to the legislature and the budget committees. This conversation will be continued later.
<b>Next Meeting</b>	The next meeting will be on November 3, 2010, Utah State Capitol Complex, Senate Bldg., Spruce Room

Minutes prepared by Jo Lynn Kruse – Administrative Assistant, CCJJ